

Chapter 11.01

RULES, REGULATIONS, CONDITIONS AND NON-RECURRING CHARGES APPLYING TO UTILITY SERVICE

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11.01.010 Utility service rules. The following are hereby adopted as the rules, regulations, conditions, and non-recurring charges applying to utility service hereafter furnished by the City of Jasper, Indiana. (Ord. 2003-17, S1, May 21, 2003) (Ord. 1998-9, S1, 1998; Ord. 1996-19, S1, 1996; Ord. 1991-39, 1991; Ord. 1169 S1, 1984)

11.01.020 Definition of Terms.

- (1) The term "utility" is herein used to designate the City of Jasper Utilities, which furnishes electric, water, wastewater and gas services under these rules and regulations.
- (2) The term "customer" is used herein to designate a person, partnership, association, firm, public or private corporation or governmental agency, applying for or using utility service supplied by the City.
- (3) The term "commission" is herein used to designate the Indiana Utility Regulatory Commission, or any successor to the commission having jurisdiction on the subject matter hereof.

- (4) The word "month" is hereby defined to be the elapsed time between two (2) successive meter readings approximately thirty (30) days apart. In the event of the stoppage of or the failure of any meter to register the full amount of usage, the customer will be billed for such period on an estimated consumption based upon his usage in a similar period of like use.
- (5) As used herein, "dwelling" means an individual residence, including a mobile home or trailer or a room or combination of rooms, with facilities for living for a single household.
- (6) As used herein, "heating season" means the period beginning on December 1 of any year and ending on the following March 15.
- (7) The term "Energy Assistance Program" (EAP) is used herein to designate the Low-Income Home Energy Assistance Program (LIHEAP) which is a federally funded block grant through the U.S. Department of Health and Human Services (HHS). It is administered by the Indiana Family and Social Services Administration (FSSA), Division of Family and Children (DFC), Housing and Community Services Section (HCSS). The LIHEAP Block Grant, regulated by I.C. 12-14-11, provides funds to individual states to assist low-income families with the high costs of home energy and is locally administered by Dubois-Pike-Warrick Economic Opportunity Committee, Inc. (TRI-CAP). . (Ord. 2003-17, S2, May 21, 2003) (Ord. 1998-9, S2, 1998; Ord. 1996-19, S2, 1996; Ord. 1991-39, S2, 1991; Ord. 1169, S2, 1984)

11.01.030 Application of Service.

- (1) A copy of the tariffs and standard terms and conditions under which service is to be rendered to the customer shall be furnished at the time of Application for Utility Service or upon request at the Utility Business Office.
- (2) A written application and/or agreement may be required from each customer before service will be commenced. A copy of the agreement shall be furnished the customer upon request.
- (3) When the customer desires delivery of service at more than one point, a separate agreement shall be required for each separate point of delivery. Service delivered at each point at delivery may be billed under separate accounts or may be billed together under one (1) account using the applicable tariffs for each.
- (4) The utility reserves the right to refuse to render service to any applicant indebted to the utility for service rendered at any location served by the

utility prior to such application, until such indebtedness is settled to the satisfaction of the utility. (Ord. 2003-17, S3, May 21, 2003) (Ord. 1998-9, S3, 1998; Ord. 1996-19, S3, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.040 Service Security Deposits.

- (1) A service security deposit shall be collected as set forth in Section 11.01.150(1), in advance of connecting service. The utility shall have reasonable time in which to read and/or remove the meters and to ascertain that the obligations of the customer have been fully performed before being required to return any deposit.
- (2) After final changes have been determined, deposits shall be applied to the Customer's Account and the balance, if any, refunded; OR refunded in it's entirety after all indebtedness for utility services, including the "Final Bill", has been paid. (Ord. 2003-17, S4, May 21, 2003) (Ord. 1998-9, S4, 1998; Ord. 1996-19, S4, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.050 Payment of Bills.

- (1) Bills will be rendered monthly by the utilities to the customer in accordance with the rate(s) applicable to the customer's service. All bills are payable at the Utility Business Office by the 10th of each month. If the 10th falls on a weekend or holiday, the first working day following the 10th will be considered the due date for bills. A night deposit is provided at the Utility Business Office for the customers' convenience. Failure to receive the bill will not entitle the customer to the remission of any charge for non-payment within the time specified.
- (2) The utility's rate schedules provide a delayed payment penalties for failure to pay bills within a specified time. Such delayed payment penalty shall be added to the original bill if not paid on or before the time specified and/or in accordance with conditions set forth in the rate schedules. Said penalties shall be applied as set forth in Section 11.01.150(2). When payments are made by mail, bills will be considered as having been paid on date of mailing as shown by the postmark. If the date on the postmark is indistinguishable, Utility Business Office personnel shall have final authority to determine whether or not said postmark qualifies as having been paid on or before the due date specified on the bill
- (3) Payment must be made without regard to any counter claims, whatever, and failure to receive the bills does not relieve the Customer of the responsibility for payment of the amount due. Customers shall be given

the option of making payment of their monthly utility bill via "Cash", "Check", "Bank Draft", "Money Order" or "Electronic Funds Tansfer".

Payment by check which is subsequently returned to the utilities by a bank for insufficiency, or any other reason, which is not made good on or before the due date, shall not constitute timely payment of a bill shall be assessed late payment penalties as set forth in Section 11.01.150 (2), and may be subject to possible termination of utility services. Further, a returned check charge shall be made by the utilities against the Customer's utility account as set forth in Section 11.01.150 (5).

Upon providing the Utility Business Office with an authorization to make an "Electronic Funds Transfer" from their Financial Institution's checking or savings account, said transfers will commence on the due date as stated on the bill, following a reasonable time necessary to act on said authorization. A depository shall be chosen by the Utility Service Board as the processing bank taking into account the amount of monthly transaction fee, any other applicable fees, and the quality of service provided by said bank. The choice as to processing bank shall be reviewed periodically by reviewing the amount of monthly transaction fee, any other applicable fees, and the quality of service provided by said bank. All monthly transaction and/or processing fees, established by the processing bank, shall be added to the Customer's monthly bill and will be paid to the processing bank. Should the Customer's chosen bank account become inactive, closed, or contain insufficient funds to cover the amount of the "Electronic Funds Transfer", the Customer's utility account shall be charged the returned check charge as set forth in Section 11.01.150 (5), the Customer's authorization to make the "Electronic Funds Transfer" shall be terminated; and, the Customer's utility account shall be considered unpaid on the due date, shall be assessed late payment penalties, and may be subject to possible termination of utility services. The Customer shall have the right to terminate the authorization at any time by written instruction to the Utility Business Office, and the Utility Business Office shall honor said written instruction following a rasonable time necessary to act on same.

- (4) The utilities may provide any residential customer whose account is delinquent an opportunity to enter into a reasonable amortization agreement to pay the delinquent account. Such an amortization agreement is to provide the customer with adequate opportunity to apply for and receive the benefits of any available assistance program. The agreement must be subject to amendment at the customer's request if there is a change in the customer's financial circumstances.
- (5) A reasonable rate of one and one-half (1-1/2) per cent per month interest in addition to penalties set forth in Section 11.01.150(2) may be charged

on the unpaid balance of a customer's delinquent bill, should said bill remain unpaid for more than 90 days beyond the due date as stated on the original bill. (Ord. 2003-61, S1, Oct. 22, 2003) (Ord. 2003-17, S5, May 21, 2003) (Ord. 1998-9, S5, 1998; Ord. 1996-19, S5, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.060 Discontinuance of Service.

- (1) Whenever a customer desires discontinuance of such a utility service, they shall notify the utility, at the Utility Business Office, of such desire and of the date on which service is to be discontinued, sufficiently in advance of such date to provide a reasonable time for the utility to obtain the final meter readings. Customers shall not rely on their landlord, or any third party, to notify the utility of such discontinuance of service.
- (2) The utility reserves the right to discontinue service for non-payment of bills and for other such reasons as stated in I.C. 8-1-2-121(d). All bills will be due and payable on the 10th day of each month. Customers who fail to pay on or before the 10th day of the month, will be sent a written past due notice in accordance with I.C. 8-1-2-122(c). Customers who have not paid their bills by the due date as stated on this past due notice will have their service discontinued.
- (3) When the utility service has been cut off upon customer's default, the utility will not be obligated to restore service until the customer had paid all bills due for service previously furnished as stated in 170 IAC 4-1-16 and has made a satisfactory deposit, the amount to be determined in accordance with the Utilities' Deposit Policy, to insure future payment of bills. A reconnection fee will be charged to reconnect a disconnected customer as set forth in Section 11.01.150(3).
- (4) If the customer is in default and, while the utility is preparing to disconnect the customer's utility service, the customer elects to pay the utility employee the total and exact amount in default, the customer may be charged a collection fee as set forth in Section 11.01.150(6). Said collection fee shall be used to offset the additional labor costs associated with attempting to disconnect.
- (5) In the event Natural Gas service has been terminated, for whatever reason, the Gas Utility will perform a gas inspection of the premises at the time service is restored and the customer may be charged a gas inspection fee as set forth in Section 11.01.150(4).
- (6) The utility may disconnect service forthwith and without notice if the customer's wiring or other utility connections are found to be in a dangerous or unsafe condition, or if necessary to protect itself from fraud.

The utility may deny service to anyone who is indebted to the utility for service rendered at another location. Any discontinuance of service shall not terminate the obligations under the applicable tariff between the utility and the customer. (Ord. 2003-17, S6, May 21, 2003) (Ord. 1998-9, S6, 1998; Ord. 1996-19, S6, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.070 Termination of Service.

- (1) Notwithstanding any other ordinance or regulation, except as stated in Section 11.01.070(2) below, during the "heating season" of any year, residential customers who have applied for and are having their eligibility determined, or are receiving, assistance under the "Energy Assistance Program" (I.C. 12-14-11), shall not have their utility service terminated. It shall be the responsibility of the customer to notify the Utility Business Office that application has been made to the "Energy Assistance Program". Non-residential customers shall not be subject to this "heating season" exclusion.

The Jasper Municipal Utilities reserves the right to discontinue utility service for non-payment of bills if the residential customer has not applied for or is not receiving benefits from, the "Energy Assistance Program" regardless whether during the "heating season" or not.

- (2) The utilities may terminate utility service upon request of the customer or under the following circumstances:
 - (a) If a condition dangerous or hazardous to life, physical safety, or property exists.
 - (b) Upon order of any court, the Commission, or other duly authorized authority.
 - (c) If fraudulent or unauthorized use of any utility service is detected, and the utility has reasonable grounds to believe the affected customer is responsible for such use.
 - (d) If the utilities' regulating or measuring equipment has been tampered with and the utility has reasonable grounds to believe that the affected customer is responsible for such tampering.
- (3) In the event the customer requests a utility service be permanently removed, the customer will be charged as set forth in Section 11.01.150(7) for each service involved. Each Service permanently disconnected shall also have the meter removed and, where appropriate, service lines abandoned and disconnected at the main. Should the customer, at a later

date, request re-installation of said utility service, the customer will be required to reapply for a permit and pay all appropriate fees and expenses as though it were a totally new service.

- (4) In the event the customer requests a utility service relocated, either temporarily or permanently, the customer will be charged as set forth in Section 11.01.150(8).
- (5) Owners or Managers of Rental Property shall complete, and the Utility Business Office shall maintain in file, a "Rental Property Owner Questionnaire" in which the rental property owner or manager shall elect to either a) leave all utilities connected, but to have payment responsibility transferred to the property owner during unit or property vacancies or b) have all utilities temporarily shut-off during unit or property vacancies and to be subject to the Temporary Discount/Reconnect Charge as set forth in Section 11.01.150(3). (Ord. 2003-17, S7, May 21, 2003) (Ord. 1998-9, S7, 1998; Ord. 1996-19, S7, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.080 Termination of Service - Notice.

- (1) Utility service being provided to an occupied "dwelling", or other occupied facility, may not be terminated because of the failure of the customer to pay their utility bill until fourteen (14) days after the utility serves notice upon the customer of its intent to terminate said service. Said notice shall be in the form of a past due notice.
- (2) The past due notice must, in separate numbered paragraphs:
 - (a) Indicate the date on which service will be terminated;
 - (b) State the reason and factual basis for termination of service;
 - (c) List the telephone number of the Utility Office that customers may call during business hours in order to question the proposed termination of service or to seek information concerning their rights; and
 - (d) State that customers may refer to the pamphlet furnished to them under 170 IAC 4-1-18 for information as to their rights.
- (3) Service of a past due notice under this section must be made by:
 - (a) First Class mail addressed to the customer at the address listed for the customer in the records of the utilities; or

- (b) Personal delivery posted in a conspicuous location at the service address.
- (4) No notice may be served before the date on which the customer's account becomes delinquent. (Ord. 2003-17, S8, May 21, 2003; (Ord. 1998-9, S8, 1998; Ord. 1996-19, S8, 1996; Ord. 1991-39 S2, 1991; Ord. 1169 S2, 1984)

11.01.090 Meter Tampering, Fraudulent, or Unauthorized Use of Utility Service. In the event the utility has reasonable grounds to believe that the customer has tampered with the utilities' regulating or measuring equipment, or if fraudulent or unauthorized use of any utility service is detected, the utility will estimate its loss of revenue, including interest, and bill the responsible customer as set forth in Section 11.01.150(9). (Ord. 2003-17, S9, May 21, 2003) (Ord. 1998-9, S9, 1998; Ord. 1996-19, S9, 1996)

11.01.100 Accessibility of Meters. Utility meters must, at all times, be accessible to utility personnel for the purpose of reading, testing, and maintenance. In the event shrubbery or other obstructions inhibit access to the meter and/or the viewing of the meter dials, the customer will be formally requested in writing and given 30 days in which to remove (or trim) said shrubbery or other obstruction so that uninhibited access of the meter can take place. Should the customer choose not to comply with said request, the utility may contract with a professional for the purpose of removing (or trimming) the inhibiting shrubbery or other obstruction. The customer, in this event, will be billed as set forth in Section 11.01.150(10). (Ord. 2003-17, S10, May 21, 2003) (Ord. 1998-9, S10, 1998; Ord. 1996-19, S10, 1996)

11.01.110 Inside Meters. In those cases where a utility's regulating or measuring device (including, without limitation, a measuring meter) is located on the inside of a structure or is otherwise located in a place that is not readily available for sight reading by a utility employee, the Jasper Municipal Utilities may request the customer to convert the regulating or measuring device to a remote device that does not require sight reading and which can be read by means of an electronic signal transmitted via radio waves, wire, optical cable, or similar medium. Any such request shall be made in writing and shall give the customer 30 days to make the appropriate conversion. In the event the customer does not make the conversion within 30 days, the Jasper Municipal Utilities may charge an inside meter reading fee as set forth in Section 11.01.150(11). (Ord. 2003-17, S11, May 21, 2003) (Ord. 1998-9, S11, 1998; Ord. 1996-19, S11, 1996)

11.01.120 Meter Testing. Whenever the customer believes that a meter is not recording within the limits of accuracy as prescribed by the rules of the Indiana Utility Regulatory Commission, said customer may request that the meter in question be tested for accuracy.

Whenever a request is made for a test on a customer's meter and said meter has been tested twice in the previous twenty-four (24) months, the customer shall be required to make an advance payment of a meter testing fee, as set forth in Section 11.01.150 (12), before the meter will be tested.

If the meter is found to be over-recording usage, the meter testing fee will be refunded. If the meter is found to be under-recording usage, or if the meter is found to be accurately recording usage, the meter testing fee will not be refunded. (Ord. 2003-17, S12, May 21, 2003) (Ord. 1998-9, S12, 1998)

11.01.130 Electric Service Permit. All residential, commercial, industrial, governmental, and institutional facilities shall be required to obtain a permit before connection to the utility's system will be allowed. This permit requirement applies to new, temporary or permanent, service connections; changes in the size of service; additional service connections; and, the relocating of service connections.

A Permit Fee, as set forth in Section 11.01.150(13), shall be paid at the time the Electric Service Permit is issued. The permit fee shall apply toward recovering costs associated with inspecting the installation as described on the permit. (Ord. 2003-17, S13, May 21, 2003) (Ord. 1998-9, S13, 1999)

11.01.140 Seasonal Service Disconnection/Reconnection. Utility service will be extended to customers on a seasonal basis under the same conditions as permanent residential, commercial, and industrial accounts. When requested by the customer, service(s) will be temporarily disconnected, however, a monthly customer charge, as set forth in the appropriate Rate Ordinance, will assessed each service involved, each month said service(s) is/are disconnected. A reconnection fee, as set forth in Section 11.01.050(14) for each service involved, shall be paid prior to reconnection of said service(s). In the event natural gas service has been shut-off, the Gas Utility will perform a gas inspection of the premises when service is restored and the customer will be charged a gas inspection fee as set forth in Section 11.01.150(4).

In the event the temporary shut-off becomes permanent as a result of direction from the property owner, time lapse, or other criteria in the discretion of utility management, the provisions of Section 11.01.150(3) shall apply. (Ord. 2003-17, S14, May 21, 2003) (Ord. 1998-9, S14, 1999)

11.01.150 Schedule of Non-Recurring Charges.

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| (1) Customer Security Deposit | Refer to the "Customer Application and Deposit Policy" Ordinance |
| (2) Late Payment of Utility Bill Penalty: | |
| Electric, Water, & Gas | 10% on first \$3.00;
Plus 3% on Balance |
| Sewer | 10% on Balance |

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|---|--|
| (3) Temporary Disconnect / Reconnect Fee: | |
| During Business Hours (8AM-4PM) | \$ 30.00 each |
| After Hours (4PM-8PM) | \$ 60.00 each |
| Late Night Hours (8PM-8AM) &
Holiday & Weekends | \$ 100.00 each |
| (4) Gas Inspection Fee: | |
| During Business Hours (8AM-4PM) | \$ 30.00 each |
| After Hours(4PM-8PM) | \$ 60.00 each |
| Late Night Hours (8PM-8AM) &
Holiday & Weekends | \$ 60.00 each |
| (5) Returned Check Charge | \$ 25.00 each |
| (6) Delinquent Account Collection Fee | \$ 30.00 each |
| (7) Permanent Service Removal (Customer
Requested) [Service Lines
Disconnected & Meters Removed-
Requires New Service Permits to Reactivate] | Actual Cost Plus 10% |
| (8) Service Relocation (Customer Requested) | Actual Cost Plus 10% |
| (9) Meter Tampering / Fraudulent or
Unauthorized use of
Utility Service | Justified Adjustment of
Charges, Plus 12%
Interest |
| (10) Removal of Meter Obstruction /
Shrubbery Trimming | Actual Cost plus 10% |
| (11) Inside Meter Reading Fee | \$ 2.00 / Month |
| (12) Meter Testing Charge | \$ 30.00 each |
| (13) Electric Service Permit Fee | \$ 50.00 each |
| (14) Seasonal Service Disconnection / Reconnection Fee: | |
| During Business Hours (8AM-4PM) | \$ 30.00 each |
| After Hours (4PM-8PM) | \$ 60.00 each |
| Late Night Hours (8PM-8AM) &
Holiday & Weekends | \$ 100.00 each |

(Ord. 2003-17, S15, May 21, 2003) (Ord. 1998-9, S15, 1998; Ord. 1996-19, S12, 1996; Ord. 1991-39, 1991)

